

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROWE PLASTIC SURGERY OF NEW JERSEY,
L.L.C. & NORMAN MAURICE ROWE, M.D.,
M.H.A., L.L.C.,

Plaintiff,

-against-

23 **CIVIL** 6206 (SHS)(OTW)

JUDGMENT

AETNA LIFE INSURANCE COMPANY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated August 5, 2025, Defendant's motion to dismiss the complaint is granted in full and this action is dismissed with prejudice. The complaint alleges nothing more than an Aetna employee's oral recitation of the terms of coverage for an insured in an insurance verification call. Plaintiffs' allegations are insufficient to state a claim upon which relief can be granted. Aetna's request that the Court impose sanctions on plaintiffs and their attorneys is denied because Aetna has not demonstrated that plaintiffs' or their attorneys' conduct satisfies the standard for the imposition of sanctions. See *Enmon v. Prospect Cap. Corp.*, 675 F.3d 138, 144 (2d Cir. 2012) (stating that a court imposing sanctions pursuant to its inherent powers or 28 U.S.C. § 1927 must find that "(1) the challenged claim was without a colorable basis and (2) the claim was brought in bad faith, i. e., motivated by improper purposes such as harassment or delay" (citation omitted)).

Dated: New York, New York

August 5, 2025

TAMMI M. HELLWIG

Clerk of Court

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned between the title 'Clerk of Court' and the title 'Deputy Clerk'.

BY:

Deputy Clerk